

FILED
US DISTRICT COURT
WESTERN DISTRICT
OF ARKANSAS
Aug 28, 2019
OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

CHRIS WHITE

PLAINTIFF

v.

CASE NO. 19-2111

MARK SIMPSON, Individually and in his
Official capacity at Mayor; THE CITY OF
CLARKSVILLE, ARKANSAS d/b/a
CLARKSVILLE POLICE DEPARTMENT
d/b/a MARVIN VINSON BUILDING AND
AQUATIC CENTER; JEFF ROSS, Clarksville
Police Department, Individually and in his Official
Capacity; TOM COGAN, Parks and Recreation
Director, Individually and in his Official Capacity;
And MARY TOWNSEND, Clarksville Aquatic
Center, Individually and in her Official Capacity;
AND WHITNEY BARNES, Individually and in her Official
Capacity

DEFENDANTS

NOTICE OF REMOVAL

COME now Defendants herein, by and through counsel, Sara Monaghan, and for their
Notice of Removal, state:

1. On or about July 29, 2019, Plaintiff filed his Complaint in the Circuit Court of Johnson County, Arkansas, Case No. 36CV19-159. The Defendants are Mark Simpson, The City of Clarksville, Clarksville Police Department, Jeff Ross, Tom Cogan, Mary Townsend, and Whitney Barnes. The Plaintiff, Christopher White is a pro se plaintiff.

2. Defendants have filed a Motion to Dismiss the Complaint and a Notice of Parties and State Court of Removal with the Circuit Court of Johnson County, Arkansas, pursuant to 28 U.S.C. § 1446(d).

3. In the Complaint, Plaintiff brings this action pursuant to alleged violations of federal law and laws of the State of Arkansas. *See Complaint.*

4. 28 U.S.C. § 1441(a) allows a defendant to remove civil actions from state to federal court when such actions are within the original jurisdiction of the federal court. Original federal question jurisdiction is vested in the federal courts under 28 U.S.C. § 1331 regarding cases "arising under" the Constitution and laws of the United States, regardless of the amount of controversy. This Court has both original and removal jurisdiction over United States Constitution causes of action. Plaintiffs' Complaint clearly states claims that arise under the United States Constitution. Thus, original federal question jurisdiction is vested pursuant to 28 U.S.C. § 1331 and removal is proper under the federal removal statutes.

5. Venue is proper in this Court.

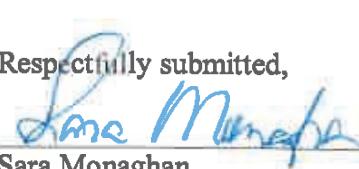
6. True and correct copies of the pleadings served on Defendants are attached hereto as Exhibit "A" and incorporated herein by this reference, this constituting all process, pleadings and orders which have been served on and/or filed by Defendants.

7. Pursuant to 28 U.S.C. § 1446, Defendants hereby give notice of the removal of this action from the Circuit Court of Johnson County, Arkansas, to the United States District Court for the Western District of Arkansas, Fort Smith Division.

WHEREFORE, Defendants pray that this action be removed from the Circuit Court of Johnson County, Arkansas, to the United States District Court for the Western District of Arkansas, Fort Smith Division, in accordance with 28 U.S.C. § 1331, § 1441, and § 1446, and for all other just and proper relief.

Respectfully submitted,

BY:


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CERTIFICATE OF SERVICE

I, Sara Monaghan, hereby certify on August 28, 2019, I have filed the foregoing document, via email, with the Clerk of the Court, and I hereby certify that I have sent the document by Certified Mail to the person(s) referenced below:

Christopher White, Pro Se
P.O. Box 643
Clarksville, AR 72380


Sara Monaghan